

REMARKS

Claims 1-6 and 8 are amended, new claim 13 is added, and claims 7 and 9-12 are canceled, without prejudice or disclaimer. Claims 1-6, 8, and 13 are pending.

The amendments to the abstract and claims, and the added new claim 13, are based on the application as originally filed, so it is respectfully submitted that no new matter has been added.

In the office action, the abstract was objected to. The abstract is amended to overcome the objection, so reconsideration and withdrawal of the objection to the abstract are respectfully requested.

In the office action, the drawings were objected to as allegedly not showing every feature of the invention specific in the claims, in particular, claims 7-12.

Claims 7 and 9-12 are canceled, and claim 8 is amended based on FIG. 1 to recite features clearly shown in FIG. 1. Therefore, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

In the office action, claims 5-12 were rejected under 35 U.S.C. § 112, second paragraph. Claims 7 and 9-12 are canceled, and claims 5-6 and 8 are amended to overcome the rejection, so reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph are respectfully requested.

In the office action, claims 1-3, 5-7, and 11 were rejected under 35 U.S.C. § 102(b) in view of U.S. Patent Number 2,130,820 to Trumbull; claims 1-3, 5-8, and 11 were rejected under 35 U.S.C. § 102(b) in view of French Patent Number FR 2,740,048 to Robinot; and claims 1-12 were rejected under 35 U.S.C. § 102(b) in view of U.S. Patent Number 6,030,300 to Zheng.

The present invention is patentable over the cited art, since the present invention is directed to a basketball apparatus having a floating platform and a board thereon for retaining a basketball basket for allowing the playing of swimming basketball games, which is a new sport officially registered by the Italian Basket Federation and by the Italian Paralympic Committee, which are part of the Italian Olympic Committee (CONI).

Thus, the present invention makes available a tool which not only is absolutely safe for the players and such to permit the playing of swimming basketball games in a normal swimming pool, but is actually the only type of apparatus which allows the sport of swimming basketball games to be played at an official level as required by the aforesaid sports federation and Olympic committees.

The present invention, as amended, is patentable over the cited art, since the cited art does not disclose or suggest all of the elements, steps, and features of the present invention, including the feature that the basket projects over the water in order to avoid the players colliding with the apparatus while the players are playing under the basket.

Although the prior art literature is very rich in documents regarding floating baskets of every size and form, as in the cited art, none of the references in the cited art presents a basket which projects over the water in order to avoid the players colliding with the apparatus while the players are playing under the basket, as in the claimed invention.

Accordingly, one having ordinary skill in the art would not look to the cited art for the elements, steps, and features of amended claim 1, including a basket projecting over the water, since none of the cited art is suitable for the intended purpose of the present invention of allowing two teams to play swimming basketball while avoiding colliding with the apparatus while playing under the basketball net.

Accordingly, claim 1, as amended, is patentable over the cited art, so reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-6, 8, and 13 depend from independent claim 1, and so include the recitation of amended claim 1. For the reasons set forth above, claims 2-6, 8, and 13 are also patentable over the cited art.

Therefore, all pending claims 1-6, 8, and 13 are patentable over the cited art, so reconsideration and withdrawal of the rejection of claims 1-6 and 8, and entry and favorable consideration of new claim 13 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



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